

EXHIBIT 1



the Edmondson Law Firm, PLLC

April 7, 2022

Via CMRRR # 70200090000154040422

EEOC Dallas District Office
207 S. Houston Street
3rd Floor
Dallas, TX 75202

Re: James Hawthorne Investigation of Birdville Independent School District
Completed EEOC Charge 5 Form
Exhibit A: Summary of Claims & Background Facts

Dear Sir/Madam,

Please find enclosed the completed EEOC Charge 5 Form, with attached Exhibit A, detailing the Summary of Claims & Background Facts, for our client, James Hawthorne. If the EEOC cannot resolve this matter, Mr. Hawthorne wishes to obtain from the EEOC a “Notice of Right to Sue” against Birdville Independent School District at the conclusion of the EEOC’s investigation.

Please call me at 817-416-5291 or email me at debra@edmondsonlawfirm.com with any questions you may have, or any additional information needed to expedite this process. I look forward to hearing from your representative and working with them on behalf of my client.

Sincerely,

Debra Edmondson
Attorney at Law

cc: James Hawthorne

Encl.

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

Texas Workforce Commission Civil Rights Division

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Mr. James Hawthorne

Home Phone (Incl. Area Code)

N/A

Date of Birth

Street Address

City, State and ZIP Code

820 E. Dove Loop Rd., Apt. #1116, Grapevine, TX 76051

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two are named, list under PARTICULARS below.)

Name

Birdville Independent School District

No. Employees, Members

Phone No. (Incl. Area Code)

Street Address

City, State and ZIP Code

6125 E. Belknap, Haltom City, Texas 76117

Name

No. Employees, Members

Phone No. (Incl. Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE☐ COLOR☒ SEX☐ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☐ AGE☐ DISABILITY☐ GENETIC INFORMATION☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Please see the attached Exhibit A.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

04-06-2022

Date



Charging Party Signature

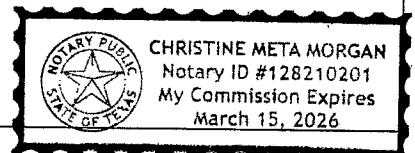
NOTARY - When necessary for State or Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

4/6/2022



CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☐ EEOC

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

04-06-2022
Date


Charging Party Signature

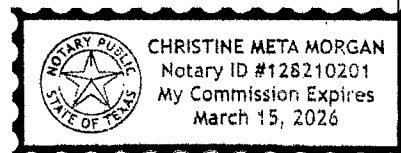
NOTARY - When necessary for State or Local Agency Requirement

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

4/6/2022



PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. FORM NUMBER/TITLE/DATE. EEOC Form 5, Charge of Discrimination (11/09).

2. AUTHORITY. 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.

3. PRINCIPAL PURPOSES. The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.

4. ROUTINE USES. This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.

5. WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION. Charges must be reduced to writing and should identify the charging party and respondent and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

EXHIBIT A

SUMMARY OF CLAIMS AND BACKGROUND FACTS

1. Mr. Hawthorne has claims against Birdville Independent School District (“BISD”) for violations of Title VII of the Civil Rights Act of 1964 and the Texas Labor Code.
2. Mr. Hawthorne is a white male. Mr. Hawthorne worked for BISD for twelve (12) years and worked in his position as a Warehouse Central Storage Supervisor for eight (8) years. In his time with BISD, Mr. Hawthorne was never written up for any kind of disciplinary action (until October 8, 2021). In fact, he always received exemplary reviews, most recently in June of 2021. Since 2016, Shelly Freeman (“Freeman”) worked as the Director of Purchasing and was Mr. Hawthorne’s supervisor.
3. Mr. Hawthorne was forced to resign from his employment after enduring discriminatory and disparate treatment by BISD where he was subjected to a hostile work environment, sexual harassment, and retaliation.
4. BISD intentionally targeted Mr. Hawthorne and subjected him to discriminatory and disparate treatment by passing over him for salary increases and employment opportunities. Mr. Hawthorne was targeted and discriminated against by Shelly Freeman, and Shelly Freeman, aided by other BISD employees, subjected Mr. Hawthorne to a hostile work environment, sexual harassment, and retaliation in violation of Title VII of the Civil Rights Act of 1964 and the Texas Labor Code.

FACTS

5. On or about June 15, 2021, BISD was conducting interviews for the auction warehouse position. It was around this time when Mr. Hawthorne began asking questions about how to get his salary reviewed. In the past, Freeman declined to review it and repeatedly told Mr. Hawthorne that he got paid too much and that if he wanted to be paid more, he should “find another job.”
6. However, in July 2021, Human Resources (“HR”) confirmed that Mr. Hawthorne’s pay would be increasing from a rate of \$219.96 to \$254.60 and that the rate increase was approved by Katie Bowman (“Ms. Bowman”) – BISD Associate Superintendent of Finance. However, that raise was never implemented. Instead, for reasons still unknown, Mr. Hawthorne’s raise was reduced to a rate of \$238.21. Mr. Hawthorne inquired about the rate change to both Ms. Freeman and Ms. Bowman, but he never got an actual response. This last raise, according to BISD’s pay scale, was more appropriate for a BISD employee with 3-4 years’ work experience at BISD rather than the 7-8 years’ seniority of Mr. Hawthorne.
7. Instead of addressing the issue with Mr. Hawthorne’s pay, BISD diverted attention away from the issue of Mr. Hawthorne’s hourly rate by blindsiding Mr. Hawthorne on August 18, 2021, with allegations of sexual harassment and creating a hostile work environment. Mr. Hawthorne was placed on administrative leave with pay while an investigation of those allegations was

conducted.¹ Initially Ms. Freeman acted as if Mr. Hawthorne was all but terminated and urged him to remove all of his personal items from the BISD property. Mr. Hawthorne received multiple phone calls from other BISD employees in which they stated, “I hear you are leaving the district.” After realizing that the allegations were unproven, BISD transferred Mr. Hawthorne to the position of “Special Projects Liaison” on September 10, 2021, and not terminated.

8. However, despite the fact that all allegations were based on hearsay and unproven,² Bowman “wrote him up” for the same unproven and baseless allegations in a letter dated October 8, 2021. Bowman’s efforts were clearly a second run at disparaging Mr. Hawthorne and/or pressuring Mr. Hawthorne to get a new job so BISD could move past both the unexplained reduction in the pay rate of Mr. Hawthorne and the false allegations that had been levied against him.

9. Mr. Hawthorne, while employed at BISD was actually subjected to ongoing harassment by Freeman who regularly loved to “dish” about her personal problems with anyone who would listen including Mr. Hawthorne. Freeman especially liked to discuss her problematic children and the forms of parental abuse that she imposed on them – including locking up one of her children in a cage because he was so out of control that he ate through one of her mattresses. Mr. Hawthorne seriously considered reporting Freeman to Child Protective Services after hearing this. She also told stories of her children smearing “poop” all over the walls of her home. Freeman regularly discussed her sex life with Hawthorne and any other staff who were around.

10. On January 3, 2022, Mr. Hawthorne gave his two-week notice for his employment in accordance with BISD guidelines and his last day of employment with BISD was January 14, 2022. During this period of time, Mr. Hawthorne received multiple correspondences demanding that he inform management of his reason for resignation., which while not illegal was very inappropriate.

11. When he got his final paycheck dated January 25, 2022, it was not for the normal amount. Mr. Hawthorne contacted Paige Curry who sent the attached calculations. It is not clear to Mr. Hawthorne why over \$2100.00 was deducted from his final paycheck. The “explanation” provided by Deloris Carter, BISD Payroll Associate, that she “balanced him out” with no further explanation says nothing nor does it make any sense. Mr. Hawthorne believes he is entitled to that \$2100+ that was deducted from his check, and, without the existence of a valid explanation, those monies are to be paid to Mr. Hawthorne.

12. The undersigned attorney sent a demand letter with the above facts to BISD, but, as of the filing of this charge, BISD failed to respond with any nondiscriminatory explanation for its treatment of Mr. Hawthorne.

13. The circumstances surrounding BISD’s treatment of Mr. Hawthorne are discriminatory and qualify as disparate treatment of Mr. Hawthorne by BISD. Mr. Hawthorne was discriminatorily passed over for employment opportunities and salary increases. Mr. Hawthorne was targeted and

¹ Mr. Hawthorne denies each and every allegation of sexual harassment and creation of a hostile work environment that were alleged against him by BISD.

² If the allegations were proven to be true, BISD would have terminated Mr. Hawthorne but it did not.

discriminated against by Shelly Freeman, and Shelly Freeman, aided by other BISD employees, subjected Mr. Hawthorne to a hostile work environment, sexual harassment, and retaliation. As such BISD's actions violated Title VII of the Civil Rights Act and the Texas Labor Code.